

Feb. 26, 2015

To Whom It May Concern:

This is a request under the **Federal Freedom of Information Act** (FOIA), the First Amendment to the United States Constitution, the common law of the United States, the Privacy Act (5 U.S.C.) section 552a, and any statute providing for public access to government information:

I request that I receive all monthly reports on Clean Water Act Section 404 reviews that the EPA has been required to send Congress (in conjunction with the corps) since 2012. A more detailed version of this request—with specific language requiring the EPA to submit these reports—is available in my electronic FOIA request under “description.”

I am filing this FOIA request as a “representative of the news media” since I am a reporter for Bloomberg BNA’s *Daily Environment Report*. This designation entitles me to a waiver of fees accumulated during the actual search and review process. However, if your agency does determine that I should be charged for any part of this request, please contact me before any searches reach an estimate cost of \$25.

Now published five days per week, *Daily Environment Report* delivers solid, non-partisan and objective reporting on the regulatory, legal and legislative news related to the environment and energy. For more information about *Daily Environment Report*, please refer to <http://www.bna.com/daily-environment-report-p4751/>.

In reference to our request I have provided the following information addressing the points listed in the Department of Justice’s FOIA Guide, 2002 Edition: Fees and Fee Waivers, as found online at <http://www.usdoj.gov/oip/fees.htm>.

1. The content from these documents “is likely to contribute” to the understanding of your agency to the common reader. Our reporting would not be possible without the specific content garnered by the release of the requested information. Prior to any action on this FOIA request, this information is not in the public domain.

2. Due to the nature of our organization, *Daily Environment Report*, the disclosure under our FOIA request will “contribute to the understanding of the public at large.” The information will be printed in our newsletter, *Daily Environment Report*, and on our website, <http://www.bna.com/daily-environment-report-p4751/>, and will be read by a large number of people. Our publication is read by members of Congress, Capitol Hill staff members, executive branch officials, lawyers, environment, safety and health professionals, lobbyists and interest groups in and out of Washington. We expect the information produced through this and other FOIA requests to serve as the basis for several articles that explain the actions and operations of government to the public.

3. Reporters at *Daily Environment Report* also possess the skills necessary to process the requested information. We write articles for print and online publication. Other members of the media consider us to be a news organization of high standing as evidenced by our numerous

awards over the years. Additionally, other federal agencies have deemed *Daily Environment Report* to be a news media outlet for FOIA requests.

4. The disclosures we requested through the Freedom of Information Act do not primarily serve any “commercial interest.” Any data derived from our request will be used primarily to educate the public. As described in section (3), we represent the news media and plan to distribute this information to the public.

As I am sure you are aware, the Freedom of Information Act requires that if part of a record is exempt from disclosure, you must redact and release all segregated parts. Please describe the deleted material in detail and specify the reasons for believing that the alleged statutory justification applies in this instance.

Do contact me by telephone or e-mail if you have any questions regarding this request or recommendations on how to streamline or revise it. If my request is denied in whole or in part, please specify which exemption(s) is (are) claimed for each passage or whole document denied. In addition, please give the number of pages in each document and the total number of pages pertaining to this request and the dates of the documents withheld. Please provide copies of any logs, internal tracking numbers or other file-tracking device or system of documents in existence but denied disclosure. Such statements will be helpful in deciding whether to appeal an adverse determination.

I appreciate your attention to this and expect, as the FOIA provides, to hear from your office within 20 days. If you have any questions about the nature or scope of this request, please call me at 571-319-7081.

Sincerely,

Rachel Leven
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